

FORM TO BE USED BY A PERSON FILING A PETITION FOR
WRIT OF HABEAS CORPUS UNDER 28 U.S.C. §2254

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MAR 20 2008

CLERK'S OFFICE
AT BALTIMORE

BY _____ DEPUTY

DION LESLIE WRIGHT

JANUARY 11, 1982

~~PO~~ PO Box 534

Jessup Md 20794

(Full name, date of birth, identification
number and address of the petitioner)

v.

Civil Action No. DKC-08-750
(Leave blank. To be filled in by Court.)

Robert Kappel

(Name of the Warden or other person having
custody of the petitioner)

and

THE ATTORNEY GENERAL OF THE STATE
OF MARYLAND

PETITION FOR WRIT OF HABEAS CORPUS

1. Name and location of the court which entered the judgment/conviction being challenged.

Baltimore City Circuit Court 111 N Calvert St Balto Md 21202

2. Date of judgment or sentencing.

February 2, 2004 / February 27, 2004

3. Length of sentence.

Life + 45 yrs

4. Nature of offense (all counts).

1-st Degree Murder 2nd degree attempted murder, UHCOV, WCT Handgun

5. What was your plea? (check one)

- | | | |
|-----|---|-------------------------------------|
| (a) | Not Guilty | <input checked="" type="checkbox"/> |
| (b) | Not Guilty on Agreed Statement of Facts | <input type="checkbox"/> |
| (b) | Guilty | <input type="checkbox"/> |
| (c) | Nolo Contendere | <input type="checkbox"/> |
| (d) | Alford Plea | <input type="checkbox"/> |

If you entered different pleas to different counts or charges, explain.

6. Kind of trial. (check one)

- | | | |
|-----|------------|-------------------------------------|
| (a) | Jury | <input checked="" type="checkbox"/> |
| (b) | Judge Only | <input type="checkbox"/> |

7. Did you testify at the trial?

Yes ☐ No ☒

8. Did you appeal or seek leave to appeal to the Maryland Court of Special Appeals?

Yes ☒ No ☐

If you answered yes, provide the following information:

A. What grounds did you raise?

- ① Counsel failed to object to Voirdire procedure violation
- ② Trial court erred Allowed state to introduce habit evidence
- ③ State Questions improper

B. What was the result?

Affirmed Conviction AND Sentence

C. What was the date of the decision by the Court of Special Appeals?

November 29, 2005

9. Did you file a petition for writ of certiorari to the Maryland Court of Appeals?

Yes [☒]

No [☐]

If you answered yes, what was the result?

Read Considered AND Denied

If you answered yes, what was the date of the decision by the Court of Appeals?

MARCH 10, 2006

10. Did you file a petition for writ of certiorari to the United States Supreme Court?

Yes [☐]

No [☒]

If you answered yes, what was the result?

If you answered yes, what was the date of the decision by the Supreme Court?

11. Have you filed any post conviction petitions challenging this judgment/sentence?

Yes [☒]

No [☐]

If you answered yes, provide the following information for **each** post conviction petition:

A. Name and location of the court where you filed.

Baltimore City Circuit Court 111 N. CalvertSt Balto Md 21201

B. Date the post conviction petition was filed.

MAY 18, 2006

C. What grounds did you raise?

Trial Counsel's failure to object to improper
voir dire. (2) Petitioner Not Advised of Right
to Court Trial

D. What was the result?

Post Conviction Denied

E. What was the date of the decision?

JUNE 13, 2007

F. Did you file an application for leave to appeal to the Court of Special Appeals?

Yes [☒]

No [☐]

G. What was the result?

Read Considered Denied

H. What was the date of the decision by the Court of Special Appeals?

JANUARY 28, 2008

I. If the Court of Special Appeals granted your application for leave to appeal but affirmed a decision denying post conviction relief, did you file a petition for writ of certiorari to the Court of Appeals?

Yes [☐]

No [☐]

J. What was the result?

K. What was the date of the decision by the Court of Appeals?

12. Have you filed any other actions in any state or federal court challenging the judgment which is the subject of this petition?

Yes []

No [☒]

If you answered yes, provide an explanation of what you filed, where, when, and what the result was.

13. Do you CURRENTLY HAVE PENDING in any state or federal court any motion, petition, or appeal concerning the judgment being challenged in this petition?

Yes []

No [☒]

If you answered yes, describe what you filed, when, where, and its current status.

14. In most cases federal law requires that a habeas corpus petition be filed within one (1) year of the date your conviction became final. The time when a post conviction petition is pending or on appeal does NOT count towards the one year. 28 U.S.C. § 2244(d). If this petition is being filed more than one year after your conviction became final, explain why it is late and/or why you believe the one year limitations period does not apply.

15. State BRIEFLY every ground on which you claim you are being held unlawfully. BRIEFLY summarize the facts supporting each ground. If necessary, you may attach additional pages.

A. Ground One: Petitioner NOT Advised of Right to Court Trial

Supporting Facts: Petitioner WAS NOT Advised of
Right to Court Trial by Court,
Private Counsel, Nor States Attorney

B. Ground Two: _____

Supporting Facts: _____

C. Ground Three: _____

Supporting Facts: _____

D. Ground Four: _____

Supporting Facts: _____

16. If any of the issues that you are raising in this petition have not been presented to a state court, explain which issues are being raised for the first time and why.

17. Do you have any other sentence(s) to be served after you complete the sentence(s)/commitment that is being challenged in this petition?

Yes []

No [☒]

If you answered yes, provide the following information about each of your future sentences:

A. Name and location of the court that imposed the sentence.

B. Length of the sentence.

C. Have you filed, or do you intend to file, a petition attacking this sentence?

Yes []

No []

WHEREFORE, Petitioner prays that the Court grant him all relief to which he may be entitled in this action:

I DECLARE UNDER THE PENALTIES OF PERJURY THAT THE INFORMATION ABOVE IS TRUE AND CORRECT.

SIGNED THIS 17 day of March, 2008.

Dion Wright
(original signature of petitioner)

Po Box 534
Jessup md 20794
(address of petitioner)